IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) 297 NO. OF 2005

Shagufta Shakil Khan .. Petitioner

V/s

Dawoodbhoy Fazalbhoy Muslim Education & Ors. .. Respondents

Mr. M.P. Vashi with Ms. Nandini Gupta for the Petitioner.

Mr. A.V. Bukhari i/b Mr. Ajit Patel for Respondents Nos.1 and 2.

Ms. A.K. Savla for Respondent No.3.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 1ST FEBRUARY 2005

P.C. :

1. Heard the learned counsel for the parties.

2. The petition challenges the action which is initiated by Respondents Nos.1 and 2 against the Petitioner. The Petitioner is a Head Mistress working under Respondent No.1 Trust. Interim prayer is not to terminate the services of the Petitioner.

3. Mr.Bukhari, learned counsel for Respondents Nos.1 and 2, has pointed out that serious charges are reflected against the Petitioner in the management's letter dated 17th January 2005 and the management could

not be prevented from proceeding with the enquiry. The Petitioner has been suspended in the meanwhile. Mr.Bukhari makes a statement that the Petitioner will be paid the subsistence allowance during the period of the enquiry in accordance with law.

4. At this stage, we are not inclined to interfere. It will be open to the Petitioner to take appropriate steps if an adverse order is passed at the end of the enquiry. Mr.Bukhari states that if the Petitioner cooperates, the Respondents will see to it that the enquiry is completed within 4 months.

5. Petition is dismissed.

6. All legal submissions raised in the petition are kept open and will be available to the Petitioner if required to be raised at later point of time.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)